

Appl. No. 10/519,603; Docket No. CH02 0022 US
Amdt. dated, December 12, 2005
Response to Office Action of October 6, 2005

REMARKS/ARGUMENTS

Claims 1-10 remain pending in the application.

Applicants appreciate Examiner's acknowledgement of allowable subject matter in claims 8-10.

Claims 1-2 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-7 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by *Ruha et al.* US 6426714 (hereinafter, *Ruha*)

The §112 Rejection

With respect to claim 1, Applicant has amended the claim 1 to better clarify the feature in the invention. Amendment is supported by the Specification and contains no new matter. The amendment, without a separate dither generator, clarifies that Applicants claimed feature produces the requisite dither signal from existing components in the circuit, namely an output from each of two ATC (2, 2') going to an input of the other.

With respect to claim 2, Applicant respectfully traverses. In reviewing of the Specification and Drawings, Applicant notes that in FIG. 2, there are two sigma-delta converters (2, and 2'). To one skilled in the art the additional sigma-delta converters may involve the duplicating of the circuit depicted in FIG. 1. Thus, claim 2 has sufficient support in the Specification. Not everything necessary to practice the invention need be disclosed. All that is necessary is that one skilled in the art be able to practice the claimed invention, given the level of knowledge and skill in the art. *In re Buchner*, 929 F. 2d 660, 661, 18 USPQ2d 1331, 1332 (Fed Cir. 1991).

Applicant requests that the §112 rejection be withdrawn.

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The §102 Rejection

Applicants respectfully traverse the §102 rejection. Upon careful reading of the Office Action and the cited reference, *Ruha*, Applicants note that FIG. 1 has a dither generator 22. "In *addition*, [emphasis added] dither generator 22 can be employed to can be employed to generate a dither signal that may be added to the input of the quantizer 14 to maintain the quantizer 14 in an active state with low level inputs. The use of the dither signal ideally avoids the generation of the unwanted tones (extraneous signals) in the SDM 10. The dither generator 22 can include an amplitude measurement block that feeds a pseudorandom dither signal generator (col. 4, lines 20-35)."

In contrast, Applicants' invention does not have this additional dither generator 22. Applicants' claimed feature, as amended, is a "circuit arrangement has a dither-signal line (27) that is suitable for additionally applying to the quantizer input, as a dither signal, *a signal that is available in the circuit without a separate dither generator*. (Specification, claim 1)." Thus, Applicants' claimed feature is the absence of a separate dither generator 22 as erroneously presented in the Office Action. Rather, "In a first embodiment of the invention that is shown in Fig. 2, what is used as the dither signal that is needed for the first sigma-delta converter 2 is the output signal from the second sigma-delta converter 2'. The dither signal is channeled off at the output of the second sigma-delta converter 2' and fed via a first dither-signal line 27.1 to the comparator of the first sigma-delta converter 2. (Specification, page 4, lines 26-34).

Consequently, *Ruha* does not anticipate Applicants' invention. Per MPEP §2131:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently describe in a single prior art reference."
Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

In view of the foregoing, Applicant respectfully asserts that the rejection under 35 USC §102(b) of independent claim 1 is improper and should be withdrawn. In that claim 1 is allowable, dependent claims 2-7 are also allowable.

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Conclusion

Applicant believes he has addressed the Examiner's concerns. In that all the claims as presented, are allowable. A timely Notice of Allowance is earnestly requested.

The Commissioner is hereby requested and authorized pursuant to 37 CFR §1.136(a)(3), to treat any concurrent or future reply in this application requiring a petition for extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. Please charge any additional fees that may now or in the future be required in this application, including extension of time fees, but excluding the issue fee unless explicitly requested to do so, and credit any overpayment, to Deposit Account No. 14-1270.

Respectfully submitted,

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